THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL No. 1703 OF 2005

Dt:06.10.2005

Between:

Bhavana Rishi Cooperative House Building

Society Limited.

.. Appellant

and

Mir Asghar Ali and others.

.. Respondents

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL No. 1703 OF 2005

JUDGMENT: (per the Hon'ble Sri. Justice B. Prakash Rao)

Heard Sri K. Rama Krishna Reddy, learned senior counsel appearing for the appellant and Sri K. Subrahmanya Reddy, learned senior counsel appearing for the respondents and at their request the main appeal itself is taken up for disposal.

This appeal is at the instance of the second respondent in W.P.No.16248 of 2005, which has been filed by the first respondent herein. The said writ petition has been disposed of at the stage of admission by the learned Single Judge,

through order dated 26.07.2005.

Few facts, which are necessary for the disposal of this appeal, are to the following effect:

The appellant herein claims to have purchased the property to an extent of Ac.30.00 from the then owners and there have been certain notifications under the provisions of the A.P. Urban Areas (Development) Act, 1975, both preliminary and final. Meanwhile, an application has been filed by the third respondent under Section 40 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1951, which has been ordered. Against the same, an appeal has been carried to the appellate authority and the same was subsequently allowed. Thereupon, the matter was carried to this Court in revision and as per the orders in C.R.P.Nos. 856 and 913 of 2005, the matter has been remitted especially on the objection as to the maintainability of the application under Section 40 of the said Act, having regard to the applicability of the provisions of the A.P. Urban Areas (Development) Act, 1975. Subsequent to the said remand, when the matter is pending before the said appellate authority,I.A.No.F2/710/2005 has been filed by the respondents seeking an injunction and the said application has been rejected by the said authority holding that the same is not maintainable under the provisions of the Tenancy Act. As against the said order, the respondents filed the writ petition and it has been disposed of with a direction to maintain status quo and the second respondent should dispose of the appeal.

Having heard the learned counsel on either side and also on perusal of the material, the only question that arises for consideration is as to the very maintainability of the application filed by the respondents and also the necessity to grant interim orders.

It is well settled that the authorities, as constituted under the Tenancy Act, have ample powers to grant interim orders, including the injunction, and in view of the same it cannot be said that such an application cannot be entertained.

No doubt, there have been allegations and counter-allegations from both the sides in regard to the steps being taken for development and also for making constructions. However, it is not the stage to go into the merits of the matter. The learned counsel submit that the matter was listed before the appellate

authority on 25.10.2005.

The learned senior counsel appearing for the appellant has undertaken to the effect that pending disposal of the appeal, the appellant will not alienate any property.

In view of the above said undertaking, the writ appeal is disposed of directing the appellate authority to hear and dispose of the appeal on 25.10.2005 without any further adjournment. It is needless to mention that neither of the parties shall make any alienation in respect of the property. Both the learned counsel have also undertaken that they would intimate their respective parties the date of hearing. There shall be no order as to costs.

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(B.PRAKASH RAO.J)

(DR.G.YETHIRAJULU.J)

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Dt.06.10.2005